

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNITED STATES SUGAR CORPORATION,
UNITED SUGARS CORPORATION,
IMPERIAL SUGAR COMPANY, and
LOUIS DREYFUS COMPANY, LLC,

Defendants.

C.A. No. 21-cv-1644-MN
EMERGENCY MOTION

**CONFIDENTIAL – FILED UNDER
SEAL**

**PLAINTIFF’S EMERGENCY MOTION FOR AN INJUNCTION PENDING APPEAL
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 62(d) OR, IN THE
ALTERNATIVE, A 14-DAY INJUNCTION TO PURSUE AN EXPEDITED MOTION
PURSUANT TO FEDERAL RULE OF APPELLATE PROCEDURE 8**

Pursuant to Federal Rule of Civil Procedure 62(d), the United States respectfully requests that this Court (a) enjoin the proposed acquisition of Imperial Sugar Company (“Imperial”) by United States Sugar Corporation (“U.S. Sugar”) for thirty days to give the Antitrust Division and the Solicitor General an opportunity to review the Court’s September 23, 2022 Opinion (D.I. 242) and determine whether to pursue an appeal and (b) if the United States pursues an appeal, enjoin the proposed acquisition pending appeal.¹

¹ Pursuant to Local Rule 7.1.1, counsel for Plaintiff avers that a reasonable effort has been made to reach agreement with Defendants on the matters set forth in this motion. No such agreement could be reached.

In the alternative, the United States respectfully moves for a fourteen-day injunction to pursue an expedited motion pursuant to Federal Rule of Appellate Procedure 8 in the United States Court of Appeals for the Third Circuit.²

The grounds for this motion are fully set forth in the accompanying brief.

Given the extraordinary nature of this request, Plaintiff respectfully requests expedited briefing and consideration of this motion.

² The alternative request for a fourteen-day injunction is based on the United States' current best estimate of the minimum time needed for the Third Circuit to resolve an emergency motion under Federal Rule of Appellate Procedure 8. The United States anticipates receiving further guidance from the Third Circuit as to such timing if and when a Federal Rule of Appellate Procedure 8 motion is filed, and it may need to revisit the length of this injunction with the Court.

September 26, 2022

Respectfully submitted,

/s/ Shamoor Anis
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CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2022, a true and correct copy of the foregoing was served on all counsel of record via electronic notification.

/s/ Brian Hanna
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